THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 6827 OF 2000

Dated 19th June, 2007

Between:

Kakinada Pattana Praja Telephone Operatorla
Sangham, Ramaraopet, Kakinada and others.

…Petitioners

And

The District Collector,
East Godavari District,
Kakinada and others.

…Respondents.

ORAL ORDER:

In this writ petition, petitioners seek a declaration that the action of the second respondent in removing their telephone booths at Kakinada Town is illegal and also seek consequential directions for allotment of alternative sites.

The petitioners, who are 19 in number, are doing business by operating telephone booths and they have also formed an association, which is registered under the Societies Registration Act, 1860 to project the interests of its members who belong to Kakinada Town. It is the grievance of the petitioners that they are operating telephone booths for the last several years and in spite of the same, without issuing any notice and opportunity, they are evicted without giving any alternative sites.

In the counter affidavit filed on behalf of the respondents, it is stated that the Deputy Executive Engineer, R&B, Kakinada requisitioned Revenue Divisional Officer, Kakinada for eviction of encroachments on either side of R&B Roads in Kakinada town. It is stated that the revenue authorities approached the encroachers and apprised them of the necessity of widening the road and convinced them to vacate from their encroachments on either side of the road and all the encroachers including the petitioners have vacated on their own.

Though it is stated in the counter affidavit that the occupation of the petitioners was by way of encroachment on the road margin, the same is not denied by filing any reply affidavit. Further, as it is stated that the petitioners themselves have vacated voluntarily on being apprised by the authorities about the necessity of widening

the road, the removal of the encroachments cannot be said to be illegal. Though it is submitted by the learned counsel for the petitioners that some hut dwellers were given alternative land whereas the petitioners were not given, but it all depends on the scheme of the Government for rehabilitation. In the absence of any provision for rehabilitation of persons engaged in commercial activity, the petitioners, as a matter of right, cannot seek any alternative site.

In that view of the matter, there is no merit in this writ petition. The writ petition is dismissed. No costs.

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19-6-2007

R.SUBHASH REDDY, J.

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